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REMARKS

By this amendment, claims 1, 11, 14, 18 and 19 have been amended. No new matter has been added.

Claims 1-20 are currently pending in the application. Reconsideration and allowance of all of the claims is respectfully requested in view of the following remarks.

In regard to Rejection of Claims 1-6, 9, 10 and 13-15 Under 35 U.S.C. § 102(e)

The Examiner has rejected claims 1-6, 9, 10 and 13-15 under 35 U.S.C. § 102(e) as being anticipated by Ohyama, U.S. Patent No. 6,547,024. The Applicant believes this rejection has been addressed and overcome by the present amendment.

In response to the Examiner's remarks, the Applicant has amended claims 1 and 14.

The Examiner's attention is directed to the following feature of claim 1 as amended:

the swing arm being pivotable relative to the housing about the swing arm pivot axis.

as well as the following feature of claim 14 as amended:

a swing arm pivotally mounted to the frame and being pivotable relative to the housing about a pivot axis

The Applicant submits that at least the above features of claims 1 and 14 as amended are not taught by Ohyama. Referring to lines 34-40 of Ohyama,

The case 18 is supported swingably by the crankcase 21 of the engine body 16. Since the swing axis of the case 18 is coaxial with the axis of the driving pulley 51 in the transmission 17, which is a belt type continuously variable transmission, i.e. coaxial with the axis of the crankshaft 27, a swing motion of the case 18 does not exert an excessive load on the endless belt 53 of the transmission 17.

It is apparent that Ohyama teaches a transmission case 18 supported swingably by the crankcase 21 of the engine body 16. Referring to lines 22-35 of column 5 of Ohyama,

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Within the case 18, a support wall 56 is fastened to the first rear arm 40L. The output shaft 55 of the transmission 17 is supported rotatably by both the first rear arm 40L and the support wall 56. The reduction gear train 58 is disposed between the output shaft 55 of the transmission [17] and a final output end, i.e. a final output shaft 59 of the power train system 29. The reduction gear train 58 is accommodated between the first rear arm 40L and the support wall 56.

The final output shaft 59 is supported supported by the first rear arm 40L through a ball bearing 85 and also by the support wall 56 through a ball bearing 86. An axle 57 is contiguous to the final output shaft 59 coaxially and integrally.

It is apparent that Ohyama teaches a final output shaft 59 that is supported by the first rear arm 40L. The final output shaft 59 is also supported by the support wall 56, as is the output shaft 55 of the transmission 17. Therefore, the transmission 17, and by extension the transmission case 18, must rotate together with the swing arm 40L. Therefore, Ohyama does not teach a swing arm pivotable relative to a housing of a continuously variable transmission.

Therefore, Ohyama does not teach every feature of claims 1 and 14. As such, the Examiner is requested to withdraw her rejection of claim 1 and claims 2-6, 9, 10 and 13 depending therefrom, as well as claim 14 and claim 15 depending therefrom.

In regard to Rejection of Claim 7 Under 35 U.S.C. § 103(a)

The Examiner has rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Ohyama. The Applicant believes this rejection has been addressed and overcome by the present amendment.

As discussed above with respect to claims 1-6, 9, 10 and 13-15, at least one feature of claim 1 as amended is not taught by Ohyama.

This deficiency in Ohyama is not remedied by the Examiner's assertion that "the number of wheels is immaterial to the power configuration. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include the appropriate number of wheels for the specific application, in order to provide safety and comfort." The Applicant does not admit the correctness of the Examiner's assertion, and reserves the right to argue thereagainst in the future.

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As such, the Examiner is requested to withdraw her rejection of claim 7 because of its dependency from claim 1, as well as for the additional features recited therein.

In regard to Rejection of Claim 8 Under 35 U.S.C. § 103(a)

The Examiner has rejected claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Ohyama in view of Gagnon, U.S. Patent No. 6,626,260. The Applicant believes this rejection has been addressed and overcome by the present amendment.

As discussed above with respect to claims 1-6, 9, 10 and 13-15, at least one feature of claim 1 as amended is not taught by Ohyama.

This deficiency in Ohyama is not remedied by Gagnon.

Referring to the title of Gagnon, Gagnon relates to an "All-terrain vehicle". Gagnon does not teach the location of a transmission housing with respect to other parts of the vehicle, or the way in which a transmission is connected to other parts of the vehicle. In particular, Gagnon does not teach or suggest a swing arm pivotable relative to a transmission housing at a pivot axis.

Therefore, at least one feature of claim 1 is not taught by Ohyama or Gagnon, alone or in combination, without admitting that the two references can be combined and reserving the right to argue thereagainst in the future. As such, the Examiner is requested to withdraw her rejection of claim 8, because of its dependence from claim 1 as well as the additional features recited therein.

In regard to Rejection of Claims 15 and 16 Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Ohyama in view of Sakakibara, U.S. Patent No. 5,052,990.

As discussed above with respect to claims 1-6, 9, 10 and 13-15, at least one feature of claim 14 as amended is not taught by Ohyama.

This deficiency in Ohyama is not remedied by Sakakibara. Referring to lines 6-9 of column 1 of Sakakibara, Sakakibara "relates generally to transmissions and, more particularly, to a speed change operating device suitable for use in continuously variable speed transmissions mounted on vehicles." However, Sakakibara discloses no vehicle in

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which the transmission may be installed, and as such Sakakibara is silent as to the location of a transmission housing with respect to other parts of a vehicle, or the way in which a transmission is connected to other parts of a vehicle. In particular, Sakakibara does not teach or suggest a swing arm pivotable relative to a transmission housing at a pivot axis.

Therefore, at least one feature of claim 14 is not taught by Ohyama or Sakakibara, alone or in combination, without admitting that the two references can be combined and reserving the right to argue thereagainst in the future. As such, the Examiner is requested to withdraw her rejection of claims 15 and 16, because of its dependence from claim 14 as well as the additional features recited therein.

In regard to Objection to Claims 11, 12, 18 and 19

The Examiner has objected to claims 11, 12, 18 and 19 as being dependent on a rejected base claim, but has indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response to the Examiner's remarks, the Applicant has rewritten claims 11, 18 and 19 in independent form. Claim 12 depends from claim 11, which is now believed to be allowable.

Additional Comments

By this amendment, claim 14 has been amended for grammatical reasons, and not for reasons relating to patentability.

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In view of the above remarks, the Applicant respectfully submits that all of the currently pending claims are allowable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in a better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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